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4-12-2006

# Same-sex Marriage. Initiative Constitutional Amendment and Statute.

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INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

February 9, 2006

Ms. Tricia Knight  
Initiative Coordinator  
Office of the California Attorney General  
1300 I Street  
Sacramento,  
CA 95814

**Re: Request for Title and Summary of Proposed Initiative**

Dear Ms. Knight:

Pursuant to Article 11, Section 10(d) of the California Constitution, we are submitting to your office the attached proposed statewide Constitutional Amendment, entitled the "The Fairness in Marriage Act" and request that you prepare an unbiased Title and Summary of the measure as provided by law. We have also included with this letter the required signed statement under California Elections Code, Section 9608, our voter registration addresses, and payment in the amount of \$200 made out to the State of California.

Thank you very much for your time and service. Should you have any questions or require additional information, you can contact us through [offae@yahoo.com](mailto:offae@yahoo.com) or Organization for Fairness and Equality P.O. Box 326 Marina Ca 93933

Sincerely,

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Elizabeth Ruccello

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Katelynn Finnie

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Brandi Brooks

ENCL

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# INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

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## TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_\_ County (or City and County), hereby propose amendments to the Constitution of California and the Family Code, relating to marriage, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional and statutory amendments (full title and text of measure) read as follows:

SECTION 1. Section 7.5 is added to Article I of the California Constitution, to read:

SEC. 7.5. Marriage is a personal relation arising out of a civil contract between any two persons, without regard to the gender of those persons, who are eligible to marry pursuant to, and under procedures established by, statute.

SEC. 2. Section 300 of the Family Code is amended to read:

300. Marriage is a personal relation arising out of a civil contract between ~~a man and a woman~~ any two persons, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and solemnization as authorized by this division, except as provided by Section 425 and Part 4 (commencing with Section 500).

SEC. 3. Section 301 of the Family Code is amended to read:

301. ~~An~~ Two unmarried male persons of the age of 18 years or older, ~~and an unmarried female of the age of 18 years or older, and~~ who are not otherwise disqualified, are capable of consenting to and consummating marriage.

SEC. 4. Section 302 of the Family Code is amended to read:

302. An ~~unmarried male or female~~ person under the age of 18 years is capable of consenting to and consummating marriage if each of the following documents is filed with the county clerk issuing the marriage license:

(a) The written consent of the parents of each underage person, or of one of the parents or the guardian of each underage person.

(b) A court order granting permission to the underage person to marry, obtained on the showing the court requires.

SEC. 5. Section 308.5 of the Family Code is repealed.

~~308.5. Only marriage between a man and a woman is valid or recognized in California.~~

SEC. 6. Section 720.5 is added to the Family Code, to read:

720.5. (a) Persons in opposite-sex marriages and in same-sex marriages shall have the same rights and obligations, including, but not limited to, all of those established in this division.

(b) Those rights and obligations also include, but are not limited to, those related to community property, intestate succession, stepparent adoption, child custody, child support, hospital visitation, health care decisions for an incapacitated spouse, insurance benefits, death benefits, and recovery for wrongful death.

SEC. 7. Sections 2 to 6, inclusive, of this measure may be amended by a bill passed by a vote of two-thirds of the membership in each house of the Legislature, so long as those amendments further the purposes of this measure.